

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:19-mc-00385-PKC**

Alcon Vision, LLC et al v. Allied Vision Group, Inc. et al

Assigned to: Judge P. Kevin Castel

Cause: M 08-85 Motion to Quash

Date Filed: 08/16/2019

Date Terminated: 09/03/2019

**Plaintiff**

**Alcon Vision, LLC**

V.

**Movant**

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V.

**Defendant**

**Allied Vision Group, Inc.**

represented by **Philip R. Bautista**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Jonathan Garland Polak**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****National Lens, LLC**represented by **Philip R. Bautista**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Jonathan Garland Polak**

(See above for address)

*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
08/16/2019	<u>1</u>	MISCELLANEOUS CASE INITIATING DOCUMENT – MOTION to Quash Subpoena to Produce Documents upon KATZ, SAPPER & MILLER, LLP . Other Court Case Number: 1:18-cv- 02486-MKB-PK. (Filing Fee \$ 47.00, Receipt Number ANYSDC-17446034)Document filed by Katz, Sapper & Miller, LLP.(Jaroslaw, Ilene) (Entered: 08/16/2019)
08/16/2019	<u>2</u>	MISCELLANEOUS COVER SHEET filed. (Jaroslaw, Ilene) (Entered: 08/16/2019)
08/16/2019	<u>3</u>	MEMORANDUM OF LAW in Support re: <u>1</u> MISCELLANEOUS CASE INITIATING DOCUMENT – MOTION to Quash Subpoena to Produce Documents upon KATZ, SAPPER & MILLER, LLP . Other Court Case Number: 1:18-cv- 02486-MKB-PK. (Filing Fee \$ 47.00, Receipt Number ANYSDC-17446034) . Document filed by Katz, Sapper & Miller, LLP. (Attachments: # <u>1</u> Exhibit A – Subpoena to Produce Documents dated July 11, 2019, # <u>2</u> Exhibit B – Objections to Subpoena, # <u>3</u> Exhibit C – Declaration of Michael J. Lee)(Jaroslaw, Ilene) (Entered: 08/16/2019)
08/16/2019	<u>4</u>	CERTIFICATE OF SERVICE of Notice of Motion, Memorandum of Law and exhibits thereto, and Miscellaneous Civil Cover Sheet on August 16, 2019. Document filed by Katz, Sapper & Miller, LLP. (Jaroslaw, Ilene) (Entered: 08/16/2019)
08/19/2019	<u>1</u>	Case Designated ECF. (wb) (Entered: 08/19/2019)
08/19/2019	<u>1</u>	MISCELLANEOUS CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge P. Kevin Castel. Please download and review the Individual Practices of the assigned District Judge, located at <a href="http://nysd.uscourts.gov/judges/District">http://nysd.uscourts.gov/judges/District</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at <a href="http://nysd.uscourts.gov/ecf_filing.php">http://nysd.uscourts.gov/ecf_filing.php</a> . (wb) (Entered: 08/19/2019)
08/23/2019	<u>5</u>	MEMORANDUM OF LAW in Opposition re: <u>1</u> MISCELLANEOUS CASE INITIATING DOCUMENT – MOTION to Quash Subpoena to Produce Documents upon KATZ, SAPPER & MILLER, LLP . Other Court Case Number: 1:18-cv- 02486-MKB-PK. (Filing Fee \$ 47.00, Receipt Number ANYSDC-17446034) . Document filed by Alcon Vision, LLC. (Levitt, Jamie) (Entered: 08/23/2019)
08/23/2019	<u>6</u>	

		DECLARATION of Jennifer Lee Taylor in Opposition re: <u>1</u> MISCELLANEOUS CASE INITIATING DOCUMENT – MOTION to Quash Subpoena to Produce Documents upon KATZ, SAPPER & MILLER, LLP . Other Court Case Number: 1:18-cv- 02486–MKB–PK. (Filing Fee \$ 47.00, Receipt Number ANYSDC–17446034). Document filed by Alcon Vision, LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7)(Levitt, Jamie) (Entered: 08/23/2019)
08/23/2019	<u>7</u>	DECLARATION of Nicholas Herrera in Opposition re: <u>1</u> MISCELLANEOUS CASE INITIATING DOCUMENT – MOTION to Quash Subpoena to Produce Documents upon KATZ, SAPPER & MILLER, LLP . Other Court Case Number: 1:18-cv- 02486–MKB–PK. (Filing Fee \$ 47.00, Receipt Number ANYSDC–17446034). Document filed by Alcon Vision, LLC. (Levitt, Jamie) (Entered: 08/23/2019)
08/26/2019	<u>8</u>	MOTION for Jonathan G. Polak to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–17493700. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Allied Vision Group, Inc., Katz, Sapper & Miller, LLP, National Lens, LLC. (Attachments: # <u>1</u> Affidavit of Jonathan G. Polak, # <u>2</u> Proposed Order)(Polak, Jonathan) (Entered: 08/26/2019)
08/26/2019	<u>9</u>	REPLY MEMORANDUM OF LAW in Support re: <u>1</u> MISCELLANEOUS CASE INITIATING DOCUMENT – MOTION to Quash Subpoena to Produce Documents upon KATZ, SAPPER & MILLER, LLP . Other Court Case Number: 1:18-cv- 02486–MKB–PK. (Filing Fee \$ 47.00, Receipt Number ANYSDC–17446034) . Document filed by Katz, Sapper & Miller, LLP. (Attachments: # <u>1</u> Certificate of Service)(Jaroslaw, Ilene) (Entered: 08/26/2019)
08/27/2019	<u>1</u>	<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>8</u> MOTION for Jonathan G. Polak to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–17493700. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu)</b> (Entered: 08/27/2019)
08/27/2019	<u>10</u>	ORDER: The parties are invited to consent to the transfer of this motion to quash a subpoena to the Eastern District of New York where the underlying action is pending. Alcon Vision, LLC v Allied Vision Group, et ano, 18 cv 2486 (MKB)(PK). The motion raises the question, among others, whether the information sought is "unrelated to the subject matter of" the underlying action pending before Judge Brodie. The Court takes judicial notice of the distances, per Google Maps, between this Courthouse and the Eastern District Courthouse, which is 1.3 miles and a 21–minute trip by subway, and between this Courthouse and the New York office of Katz, Sapper & Miller, LLP, which is 3.5 miles and a 24–minute trip by subway. Each party to the motion shall inform the undersigned in a writing filed within 7 days of this Order whether it consents to transfer to the Eastern District of New York. (Signed by Judge P. Kevin Castel on 8/27/2019) (jwh) (Entered: 08/28/2019)
08/28/2019	<u>11</u>	LETTER addressed to Judge P. Kevin Castel from Jamie A. Levitt dated August 28, 2019 re: Consent to Transfer. Document filed by Alcon Vision, LLC.(Levitt, Jamie) (Entered: 08/28/2019)
08/28/2019	<u>12</u>	MOTION for Philip R. Bautista to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–17510087. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Allied Vision Group, Inc., Katz, Sapper & Miller, LLP, National Lens, LLC. (Attachments: # <u>1</u> Affidavit of Philip R. Bautista, # <u>2</u> Proposed Order)(Bautista, Philip) (Entered: 08/28/2019)
08/29/2019	<u>1</u>	<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>12</u> MOTION for Philip R. Bautista to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–17510087. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu)</b> (Entered: 08/29/2019)

09/03/2019	<u>13</u>	LETTER addressed to Judge P. Kevin Castel from Jonathan G. Polak dated September 3, 2019 re: Consent to Transfer. Document filed by Allied Vision Group, Inc., Katz, Sapper & Miller, LLP, National Lens, LLC.(Polak, Jonathan) (Entered: 09/03/2019)
09/03/2019	<u>14</u>	ORDER granting <u>12</u> Motion for Philip R. Bautista to Appear Pro Hac Vice (HEREBY ORDERED by Judge P. Kevin Castel)(Text Only Order) (Nacanther, Florence) (Entered: 09/03/2019)
09/03/2019	<u>15</u>	ORDER granting <u>8</u> Motion for Jonathan G. Polak to Appear Pro Hac Vice (HEREBY ORDERED by Judge P. Kevin Castel)(Text Only Order) (Nacanther, Florence) (Entered: 09/03/2019)
09/03/2019	<u>16</u>	ORDER: Based upon the consent of the parties to the motion (Docs 11 & 13), the motion to quash a subpoena is transferred to the Eastern District of New York where the underlying action is pending. Alcon Vision. LLC v Allied Vision Group, et ano, 18 cv 2486 (MKB)(PK). The motion raises the question, among others, whether the information sought is "unrelated to the subject matter of" the underlying action pending before Judge Brodie. The Clerk shall transfer the motion to the United States District Court for the Eastern District of New York and administratively closed the miscellaneous action in this Court. SO ORDERED. (Signed by Judge P. Kevin Castel on 9/03/2019) (ama) (Entered: 09/03/2019)
09/03/2019	<u>1</u>	CASE TRANSFERRED OUT ELECTRONICALLY from the U.S.D.C. Southern District of New York to the United States District Court – District of Eastern District of New York (ama) (Entered: 09/03/2019)